

district court correctly found that the moveable end of the EZ Fold's support member performed the same function in the same way to achieve the same result as the slidably-mounted moveable end of the '389 patent claims (App. 49-51) – a holding which the Federal Circuit did not find to be erroneous. Thus, under this Court's precedent, the Federal Circuit should have affirmed the district court's holding – not reversed it, on the basis of the Federal Circuit's "foreseeability" doctrine, relative to the notion of interchangeability.

CONCLUSION

For the foregoing reasons, and for those set forth in Freedman's petition, the petition for writ of certiorari should be granted.

Respectfully submitted,

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